

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KRISTY SWANEY,

Plaintiff,

V.

JOHN DOE, and SHUNTONG
TRANSPORTATION, LLC,

Defendants.

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CIVIL ACTION NO. SA-22-CA-1094-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 45) concerning Defendants' Motion for Summary Judgment. To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).


IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 45) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendants' Motion for Summary Judgment (docket no. 36) is DENIED IN PART and GRANTED IN PART. Defendants' Motion is DENIED as to Plaintiff's direct negligence claims against Defendant

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

Khigang Lei, vicarious liability claims against Defendant Shuntong Transportation, LLC, and future damages claims. Defendants' Motion is GRANTED as to Plaintiff's direct negligence claims against Defendant Shuntong Transportation, LLC.

It is so ORDERED.

SIGNED this 14th day of March, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE